

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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In re	:
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CITY OF DETROIT, MICHIGAN,	:
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Debtor.	:
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Chapter 9  
Case No. 13-53846  
Hon. Steven W. Rhodes

**CONSOLIDATED REPLY OF THE CITY OF DETROIT IN SUPPORT  
OF THE OBJECTIONS TO: (A) PROOF OF CLAIM NUMBER 1399  
FILED BY DR. BRIAN GREENE, AS NEXT FRIEND OF INDIA  
BOND, A MINOR; (B) PROOF OF CLAIM NUMBER 1401 FILED  
BY TARIS JACKSON, AS NEXT FRIEND OF ASHLY JACKSON,  
A MINOR; AND (C) PROOF OF CLAIM NUMBER 1404 FILED BY  
ERNEST FLAGG, AS NEXT FRIEND OF JONATHON BOND, A MINOR**

The City of Detroit, Michigan (the "City") hereby files this  
consolidated reply (the "Reply") in support of the following claim objections  
(collectively, the "Claim Objections"):

- (a) Objection of the City of Detroit, Pursuant to Sections 105 and 502(b) of the Bankruptcy Code, Bankruptcy Rule 3007 and Local Rule 3007-1, to Proof of Claim Number 1399 Filed by Dr. Brian Greene, as Next Friend of India Bond, a Minor (Docket No. 4842);
- (b) Objection of the City of Detroit, Pursuant to Sections 105 and 502(b) of the Bankruptcy Code, Bankruptcy Rule 3007 and Local Rule 3007-1, to Proof of Claim Number 1401 Filed by Taris Jackson, as Next Friend of Ashly Jackson, a Minor (Docket No. 4844); and

- (c) Objection of the City of Detroit, Pursuant to Sections 105 and 502(b) of the Bankruptcy Code, Bankruptcy Rule 3007 and Local Rule 3007-1, to Proof of Claim Number 1404 Filed by Ernest Flagg, as Next Friend of Jonathon Bond, a Minor (Docket No. 4854).<sup>1</sup>

In support of this Reply, the City respectfully represents as follows:

1. By the Claim Objections, the City sought the disallowance and expungement of proof of claim numbers 1399, 1401 and 1404 (collectively, the "Claims") filed, respectively, by: (a) Dr. Brian Greene, as next friend of India Bond, a minor; (b) Taris Jackson, as next friend of Ashly Jackson, a minor; and (c) Ernest Flagg, as next friend of Jonathon Bond, a minor (collectively, the "Claimants"). The Claims arise from a lawsuit (the "Lawsuit") initiated by the Claimants in the United States District Court for the Eastern District of Michigan (the "District Court"). In the Lawsuit, the Claimants alleged counts of denial of, and conspiracy to deny, access to the courts in connection with the homicide of Tamara Greene, which occurred on April 3, 2003. See Objections, at ¶ 15. The City argued in the Claim Objections that the Claims should be disallowed because the District Court had dismissed the Lawsuit, and the United States Court of Appeals for the Sixth Circuit had affirmed the dismissal of the Lawsuit and denied rehearing en banc. Id.

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<sup>1</sup> Capitalized terms not defined herein have the meanings given to them in the Objections.

2. On June 18, 2014, the Claimants filed substantially similar responses to each of the Objections (Docket Nos. 5381-83) (collectively, the "Responses"). By the Responses, the Claimants argue that the Lawsuit had not been fully and finally adjudicated as of the Petition Date because the Claimants intended to file a petition for writ of certiorari with the United States Supreme Court regarding the Lawsuit, and the period for the Claimants to seek review by the Supreme Court had not expired as of the Petition Date. Responses, at ¶ 15.

3. The City it is prepared to allow the Claimants to pursue their alleged intention to seek Supreme Court review of the repeated judgments entered in the City's favor in the Lawsuit. Accordingly, on June 19, 2014, the City filed Stay Modification Notices pursuant to the ADR Procedures with respect to each of the Claims (Docket Nos. 5458-60), thereby allowing the Claimants to proceed with their attempt to obtain Supreme Court review.

4. As a result, the City requests that hearing on the Objections and the Responses be adjourned at this time pending the Supreme Court's consideration of any petition for writ of certiorari filed by the Claimants or the expiration of the period for filing any such petition. The City suggests that the Court reschedule this matter for the omnibus claims hearing on October 1, 2014 for a status update.

Dated: June 20, 2014

Respectfully submitted,

/s/ Heather Lennox

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ATTORNEYS FOR THE CITY

## **CERTIFICATE OF SERVICE**

I, Heather Lennox, hereby certify that the foregoing Consolidated Reply of the City of Detroit in Support of the Objections to: (A) Proof of Claim Number 1399 Filed by Dr. Brian Greene, as Next Friend of India Bond, a Minor; (B) Proof of Claim Number 1401 Filed by Taris Jackson, as Next Friend of Ashly Jackson, a Minor; and (C) Proof of Claim Number 1404 Filed by Ernest Flagg, as Next Friend of Jonathon Bond, a Minor was filed and served via the Court's electronic case filing and noticing system on this 20th day of June, 2014.

/s/ Heather Lennox